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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STANLEY EARL KEATHLEY,
Plaintiff,
v.
JOANNE BARNHART,
Defendant.

No. C06-07443 MJJ

**ORDER DISMISSING AMENDED
COMPLAINT FOR FAILURE TO
PROSECUTE**

On April 4, 2007, this Court dismissed Plaintiff Stanley Early Keathley's ("Plaintiff") Complaint as a result of Plaintiff's failure to show cause why the Complaint should not be dismissed for failure to prosecute. (Docket No. 7).

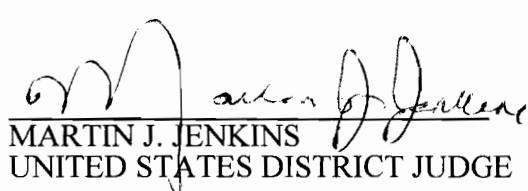
Subsequently, Plaintiff filed an amended complaint. (Docket No. 8). Plaintiff has failed to pay filing fees in the present case, and a second order to show cause was issued on September 10, 2007. (Docket No.15). On September 17, 2007, Plaintiff responded by letter to the Court's order. (Docket No. 16). The Court has reviewed Plaintiff's response, and finds cause lacking.

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1 Accordingly, the Court **DISMISSES** Plaintiff's Amended Complaint for failure to prosecute.
2 Dismissal is **WITHOUT PREJUDICE**. Plaintiff shall file a second amended complaint, if any,
3 within thirty days of the filing of this order.

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7 **IT IS SO ORDERED.**

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10 Dated: October 12, 2007


11 MARTIN J. JENKINS
12 UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

STANLEY EARL KEATHLEY,

Case Number: CV06-07443 MJJ

Plaintiff,

CERTIFICATE OF SERVICE

v.

JOANNE BARNHART et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 16, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Stanley Earl Keathley
1848 N. Ashby Road # 69
Merced, CA 95348

Dated: October 16, 2007

Lashanda Scott
Richard W. Wiking, Clerk
By: Lashanda Scott, Deputy Clerk